

Notice of Allowability

Application No.

10/698,010

Applicant(s)

LANDRY ET AL.

Examiner

James L. Swiger

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3733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/10/07 and interview on 9/26/2007.
2. ☒ The allowed claim(s) is/are 123-183.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 9/10/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070926
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


EDUARDO C. ROBERT
SUPERVISOR, PATENT EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Woods on 9/26/07.

The application has been amended as follows:

In claim 123, beginning with line 10, please amend as follows:

--a first sleeve comprising a first channel, said first sleeve having a length longer than a length of the first bone screw, said first channel being formed in an opening in a sleeve wall of the first sleeve, and said first channel extending along at least a portion of ~~[[a]]~~ the length of the first sleeve;

a first closure member configured to be secured to the first collar for securing the rod within the first slot;

a second sleeve, said second sleeve having a length longer than a length of the second bone screw;

a second closure member configured to be secured to the second collar for securing the rod within the second slot,

wherein the first sleeve and the first collar are configured to detachably couple together so that the sleeve extends away from the first collar and that the first channel is aligned with the first slot, and

wherein during surgery, when the first slot is aligned with the first channel, the rod is inserted in the first channel for positioning the rod within the first slot.--

In claim 142 beginning with line 6, please amend as follows:

--a first sleeve comprising a first channel, said first sleeve having a length longer than a length of the first bone screw, said first channel being formed in an opening of a sleeve wall of the first sleeve and said first channel extending along at least a portion of ~~[[a]]~~ the length of the first sleeve;

a second sleeve, said second sleeve having a length longer than a length of the second bone screw, wherein said second sleeve detachably couples to a second bone screw;

a rod, said rod having a width necessary to fit within the first slot and the second slot;

wherein the first sleeve detachably couples to ~~[[the collar of]]~~ the first bone screw, such that the first sleeve extends away from the first bone screw, such that the first channel is aligned with a first slot in the first bone screw, and such that the first bone screw and first sleeve are substantially coaxial,

wherein during surgery, when the first slot is aligned with the first channel and when the second slot is aligned with the second channel, the rod is inserted in the first channel and the second channel for positioning the rod within the first slot and the second slot.--

in claim 159 beginning with line 8, please amend as follows:

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--a first sleeve comprising a first channel, said first sleeve having a length longer than a length of the first bone fastener, said first channel being formed in an opening of a sleeve wall of the first sleeve and said first channel extending along at least a portion of [[a]] the length of the first sleeve;

a first closure member configured to be secured to the first bone fastener for securing the rod within the first slot;

a second sleeve, said second sleeve having a length longer than a length of the second bone fastener, wherein the second sleeve and the second bone fastener detachably couple together;

a second closure member configured to be secured to the second bone fastener for securing the rod within the second slot,

wherein the first sleeve and the first bone fastener detachably couple together so that the first sleeve extends away from the first bone fastener and so that the first channel is aligned with the first slot, and

wherein during surgery, when the first slot is aligned with the first channel, the rod is inserted in the first channel for positioning within the first slot.--

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James L. Swiger whose telephone number is 571-272-

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5557. The examiner can normally be reached on Monday through Friday, 9:00am to 5:30pm.

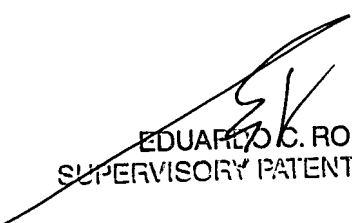
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JLS

9/27/2007



EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER